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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,288	02/28/2002	Jesse R. Frederick	1787-70700	1137
23505	7590	12/13/2004	EXAMINER	
CONLEY ROSE, P.C.			WACHSMAN, HAL D	
P. O. BOX 3267			ART UNIT	
HOUSTON, TX 77253-3267			PAPER NUMBER	
			2857	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,288	Applicant(s) FREDERICK, JESSE R.	
	Examiner Hal D Wachsman	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-4, 12-15 and 25-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 and 16-24 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election with traverse of species III (claims 16-24) in the reply filed on 10-18-04 is acknowledged. The traversal is on the ground(s) that while not identical, each of the limitations of independent claim 16 is substantially similar to at least one of the limitations of independent claim 5 and thus claim 16 is generic to claim 5 and for this reason, claims 5-11 of group (species) II as well as claims 16-24 of elected group (species) III, should be examined together. As a result of the Applicant's arguments and further review and consideration, as indicated by the Applicant, *claims 5-11 of species II have been examined in addition to the elected species III, claims 16-24.*

The requirement is still deemed proper, as modified above, and is therefore made FINAL.

2. Claims 1-4, 12-15 and 25-29 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10-18-04.

3. This application is in condition for allowance except for the following formal matters:

- a) Non-elected claims 1-4, 12-15 and 25-29, have not been cancelled.

Appropriate correction is required.

- b) The CROSS-REFERENCE TO RELATED APPLICATIONS section on page 1 of the specification does not provide the U.S. application serial no. and the filing date for the cited co-pending application. When that is provided, the attorney's docket number cited is not necessary and can be deleted. Appropriate correction is required.

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c) The drawings filed 10-18-04 are objected to because labeling (i.e. in words) is needed in Figures 9A-9E so as to facilitate an understanding of the invention from the drawings. Appropriate correction is required.

d) Page 16, paragraph 0049, of the specification, refers to "Figure 9A-E" which it appears should be "Figures 9A-9E". Appropriate correction is required.

e) The use of the trademark Motorola (see page 7, paragraph 0035) has been noted in this application. It should be *capitalized* wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

f) The Abstract is objected to because it contains purported merits (i.e. "...results in no loss of historical information"). Appropriate correction is required.

g) Claims 5-11 and 16-24 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 5, line 7, cites "the memory locations" however the antecedent basis is "continuously addressed memory locations". This same type of problem also occurs in claim 5, lines 8 and 9. Claim 6, line 7, cites "the continuously addressed memory space" however it appears that the antecedent basis is "continuously addressed memory locations". This same type of problem also occurs in claim 8, line 4, claim 9, line 4, claim 10, line 4, claim 11, line 7. Claim 7, line 2, cites "the point information" however it appears that the antecedent basis is "point component".

This same type of problem also occurs in claim 9, line 2, claim 10, line 2, claim 19, line 2, claim 21, line 2, claim 22, line 2. Claim 7, line 5, cites "the points" however the antecedent basis is "plurality of points". This same type of problem also occurs in claim 10, line 5, claim 19, line 4, claim 22, line 4. Claim 9, line 5, cites "the point" however it appears that the antecedent basis here is "each point". Claim 11, lines 6 and 8, cite "the segment" however the antecedent basis is "each segment". This same type of problem also occurs in claim 18, lines 4-5 and 6-7, claim 23, lines 4-5 and 6-7. The preamble of claim 16 cites "A natural gas flow measurement computer..." however in the body of the claim there is no reference to gas flow being measured. Claim 16, lines 3-4, cite "...storing a software programs..." however did the Applicant intend this to be "...storing software programs..." ? In the last line of claim 16 it appears that "a" is missing before the words "time-stamp" and "fourth portion". Claim 17, lines 1-2, cite "...further comprising wherein the first portion..." which it appears should be "...wherein the first portion...". Claim 18, line 6, cites "the memory space" which it appears should be "the memory locations". This same type of problem also occurs in claim 19, line 3, claim 21, line 3, claim 22, line 3. Claim 20, line 2, cites "the time-stamp data" however the antecedent basis is "time-stamp". Claim 20, lines 3-4, cite "the continuously addressed memory space" which lacks antecedent basis. Claim 21, line 4, cites "the point" however the antecedent basis is "each point". The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. The following references are cited as being art of general interest: DeAngelis et al. (5,226,153) which disclose a bus monitor with time stamp means, Jurewicz et al. (5,437,163) which disclose the logging data in which a memory is divided up into first and second data segments, Cheale et al. (6,272,445) which disclose data logging and Skeirik (5,006,992) which discloses a historical database of time-stamped data.

5. Claims 5-11 are allowable over the prior art because the prior art does not disclose or suggest: a random access memory coupled to a microcontroller and containing a historical database, the random access memory comprising a set of continuously addressed memory locations, and wherein a first portion of the memory locations comprises a segment component, a second portion of the memory locations comprises a point component, a third portion of the memory locations comprises time-stamp data, and a fourth portion of the memory locations comprises log data wherein the first portion is continuous with the second portion which is continuous with the third portion which is continuous with the fourth portion.

Claims 16-24 are allowable over the prior art because the prior art does not disclose or suggest: a historical database of volumetric flow data stored in a random access memory coupled to a microcontroller, the random access memory comprising a


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set of memory locations, and wherein a first portion of the memory locations comprises a segment component, a second portion of the memory locations comprises a point component, a third portion of the memory locations comprises a time-stamp, and a fourth portion of the memory locations comprises log data.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
December 8, 2004